

6317. Misbranding of oysters. U. S. * * * v. Dunbars, Lopez & Dukate Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 7429. I. S. Nos. 12716-k, 27757-27760-h, 8129-h.)

On February 21, 1917, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dunbars, Lopez & Dukate Co., a corporation doing business at Biloxi, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 6, 1914, from the State of Mississippi into the State of Minnesota, on or about April 15, 1914, from the State of Mississippi into the State of Missouri, and on or about January 31, 1914, from the State of Mississippi into the State of Washington, of quantities of oysters which were misbranded. The article was variously labeled, "Allen Square Brand Oysters," "Pelican Brand Cove Oysters," "Buck Brand Cove Oysters," and "Oysters Sound Brand."

Examination of samples of the article by the Bureau of Chemistry of this department showed an average short weight of the product ranging from 4.07 to 13.5 per cent.

Misbranding of the article in each shipment was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Contents 4 ozs.," or "Contents 8 ozs.," or "Net Contents 4 oz. Oyster Meat," or "8 oz.'s Oyster Meat," or "Net Contents 5 Oz. Oyster Meat," or "4 Oz. Oysters," as the case might be, was false and misleading in that it indicated to purchasers thereof that each of said cans contained 4 ounces, 8 ounces, or 5 ounces of the article of food; and for the further reason that it was labeled as afore-said so as to deceive and mislead purchasers into the belief that each of the cans contained 4 ounces, 8 ounces, or 5 ounces, as the case might be, of the article of food, when, in truth and in fact, each of the cans did not, but contained a less amount thereof.

On August 28, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*